

# Order

Michigan Supreme Court  
Lansing, Michigan

November 25, 2020

Bridget M. McCormack,  
Chief Justice

160813

David F. Viviano,  
Chief Justice Pro Tem

GRANT BAUSERMAN, KARL WILLIAMS,  
and TEDDY BROE, on Behalf of Themselves  
and All Others Similarly Situated,  
Plaintiffs-Appellees,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 160813  
COA: 333181  
Court of Claims: 15-000202-MM

UNEMPLOYMENT INSURANCE AGENCY,  
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 5, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the appellees have alleged cognizable constitutional tort claims allowing them to recover a judicially inferred damages remedy. See *Smith v Dep't of Public Health*, 428 Mich 540, 648-652 (1987), aff'd sub nom *Will v Mich Dep't of State Police*, 491 US 58 (1989) (BOYLE, J., concurring in part and dissenting in part). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 25, 2020

Clerk